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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/773,303      | 02/09/2004  | George Ku            | KUGE3001/EM         | 8747             |

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| EXAMINER |
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ASHLEY, BOYER DOLINGER

|          |              |
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| ART UNIT | PAPER NUMBER |
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3724

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/773,303

Applicant(s)

KU ET AL. 

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102 and 103*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as anticipated by Conneally or, in the alternative, under 35 U.S.C. 103(a) as obvious over Conneally, U.S. Patent 4,696,213, in view of Gaskell, U.S. Patent 2,806,493.

Conneally discloses the same invention as claimed including, e.g., a base (the lower center portion shown in Figure 1 upon which table 38 lies) with a table (38) on a top of the base, a blade (not shown, see column 1, lines 1-10) rotatably extending through a slot (not shown, see column 1, lines 1-10) in the table, a first rail (12) and a second rail (14), located on two sides of the table; a rip guide (16) having a lock handle (46) pivotably connected to a first end of the guide (pivotable because it rotates), wherein the a second end of the rip guide slidably engaging the second rail (see Figure 2); and a guide piece (20) located at an underside of the lock handle, wherein the guide

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piece includes rollers (34) connected thereto for contacting the upper surface of the first rail.

In the alternative, even if it is argued that Conneally lacks the pivoting lock handle, Gaskell discloses that it is old and well known in the art to use pivoting lock handles instead of rotating lock handles for the purpose of providing a more quickly lockable fence. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use pivoting locking handle instead of rotating locking handles in order to provide a quicker locking handle mechanism.

As to claims 2 and 4, Conneally and the modified device of Conneally discloses the use of two through holes for each roller, as shown in Figures 1 and 2, wherein the rollers extend beyond the top surface (outer surface) of the guide.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as obvious over Conneally, U.S. Patent 4,696,213, in view of Gaskell, U.S. Patent 2,806,493, as applied to claim 1 above and further in view of Talesky et al., U.S. Patent 6,360,641.

Conneally and the modified device of Conneally disclose the invention substantially as claimed except for: the groove in the upper surface of the first rail and a protrusion on the rip guide for slidably engaging with the groove; however, Talesky et al. discloses the use of groove in the upper surface of a guide rail and a protrusion on the rip guide to mate with the groove for the purpose facilitating movement of the rip guide relative to the guide. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use groove and protrusion, as taught by Talesky et al., in order to facilitate movement of the rip guide.

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As to claim 6, the modified devices of Conneally discloses the invention substantially as claimed except for the specific convex and concave shapes of the groove and protrusion. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use convex and concave shapes for the groove and protrusion or any mating shapes because applicant has not disclosed that the specific shape provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the convex and concave groove and protrusion because both shapes perform to guide the fence relative to the table. Therefore, it would have been an obvious matter of design choice to modify the modified devices of Conneally to obtain the invention as specified in claim 6. Moreover, it would have been an obvious matter of design choice to make the different portions of the groove and protrusion, with concave and convex shapes for the purpose of facilitating movement of the rip guide, of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by Eschenburg et al. or, in the alternative, under 35 U.S.C. 103(a) as obvious over Eschenburg et al., U.S. Patent 2,808,084, in view of Gaskell, U.S. Patent 2,806,493.

Eschenburg et al. discloses the same invention as claimed including, e.g., a base (not shown see column 2, lines 35-45) with a table (11) on a top of the base, a blade (16) rotatably extending through a slot (15) in the table, a first rail (17) and a second rail

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(18), located on two sides of the table; a rip guide (10) having a lock handle (51) pivotably connected to a first end of the guide (pivotable because it rotates), wherein the a second end of the rip guide slidably engaging the second rail (see Figure 2); and a guide piece (27) located at an underside of the lock handle, wherein the guide piece includes rollers (46) connected thereto for contacting the upper surface of the first rail.

In the alternative, even if it is argued that Eschenburg et al. lacks the pivoting lock handle, Gaskell discloses that it is old and well known in the art to use pivoting lock handles instead of rotating lock handles for the purpose of providing a more quickly lockable fence. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use pivoting locking handle instead of rotating locking handles in order to provide a quicker locking handle mechanism.

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as obvious over Eschenburg et al., U.S. Patent 4,696,213, in view of Gaskell, U.S. Patent 2,806,493, as applied to claim 1 above and further in view of Talesky et al., U.S. Patent 6,360,641.

Eschenburg et al. and the modified device of Eschenburg et al. disclose the invention substantially as claimed except for: the groove in the upper surface of the first rail and a protrusion on the rip guide for slidably engaging with the groove; however, Talesky et al. discloses the use of groove in the upper surface of a guide rail and a protrusion on the rip guide to mate with the groove for the purpose facilitating movement of the rip guide relative to the guide. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use groove and protrusion, as taught by Talesky et al., in order to facilitate movement of the rip guide.

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As to claim 6, the modified devices of Eschenburg et al. disclose the invention substantially as claimed except for the specific convex and concave shapes of the groove and protrusion. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use convex and concave shapes for the groove and protrusion or any mating shapes because applicant has not disclosed that the specific shape provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the convex and concave groove and protrusion because both shapes perform to guide the fence relative to the table. Therefore, it would have been an obvious matter of design choice to modify the modified devices of Eschenburg et al. to obtain the invention as specified in claim 6.

Moreover, it would have been an obvious matter of design choice to make the different portions of the groove and protrusion, with concave and convex shapes for the purpose of facilitating movement of the rip guide, of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Eschenburg et al., U.S. Patent 2,808,084, in view of Gaskell, U.S. Patent 2,806,493, as applied to claim 1 above and further in view of Conneally.

Eschenburg et al. and the modified device of Eschenburg et al. discloses the use of an end member with an insertion (35/37) that is inserted into the opening (see Figure

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6) of the second end of the rip guide, an assist roller (36) is connected to an underside of the insertion (see Figure 6) and contacts a top surface of the second rail (18, see Figure 6). However, Eschenburg et al. lacks the hooking member and the dovetail shaped ridge. Conneally discloses that it is old well known in the art to use hooking members for the purpose of maintaining the second end of the rip guide in engagement with the second rail. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to a hooking member with the devices of Eschenburg et al. in order to maintain the second end of the rip guide in engagement with the second rail. The newly modified devices of Eschenburg et al. discloses an L-shaped ridge instead of the dovetail-shaped ridge; however, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use a dovetail-shaped ridge or any mating shape because applicant has not disclosed that the specific shape provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the dovetail-shaped ridge or the L-shaped ridge because both shapes perform the function of maintaining the hook in place. Therefore, it would have been an obvious matter of design choice to modify the modified devices of Eschenburg et al. to obtain the invention as specified in claim 7.

Moreover, it would have been an obvious matter of design choice to make the different portions of the ridge, with dovetail shape for the purpose of facilitating maintaining the second end of the rip guide in contact with the rail, of whatever form or



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shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.

***Allowable Subject Matter***

8. Claims 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

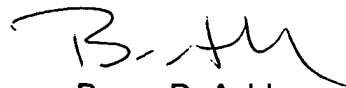
The prior art of references were cited to show similar devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley  
Primary Examiner  
Art Unit 3724

BDA  
December 13, 2004